

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JONATHAN R. BANASZKIEWICZ

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

16-cv-437-jdp

Petitioner, pro se prisoner Jonathan Banaskiewicz, is in the custody of the federal Bureau of Prisons serving a sentence for a 2013 conviction for drug distribution with a firearm enhancement. Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2255, challenging his sentence in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015). Petitioner has filed a motion for abeyance, in which he asks me to stay this case so that he can request authorization from the Seventh Circuit to file a second or successive habeas petition. Dkt. 2. I will deny petitioner's motion because he does not need to seek authorization from the Seventh Circuit in this situation. This is not a "second or successive" petition; it is the first § 2255 petition that petitioner has ever filed. Thus, petitioner does not need to have the court of appeals authorize me to review the petition.

Although I will deny petitioner's motion for a stay, I will not screen his petition until the Federal Defender has reviewed this case as part of a systematic review of *Johnson*-related cases. The Federal Defender will contact petitioner and the court once it determines whether it will represent him. If the Federal Defender decides against representing petitioner, then I will screen the petition to determine whether it should be served on the government.

Accordingly, IT IS ORDERED that petitioner Jonathan Banaskiewicz's motion for abeyance, Dkt. 2, is DENIED.

Entered July 7, 2016.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge